

Village of Deer Park
Regular Board Meeting Minutes
July 21st, 2003

p. 1 of 8

1. CALL TO ORDER

The Regular meeting of the Board of Trustees of the Village of Deer Park was held on Monday, July 21st, 2003 at Charles Quentin Elementary School in the Village of Deer Park, Lake County, Illinois.

President Karl called the meeting to order at 8:00 p.m. Upon roll call the following were present: Trustees Dowell, Ekstrom, Kizior, and Werch. Trustees Gifford and Plautz were absent. Other Village Officials present were Engineer Gordon, Administrator Diesen-Dahl, Clerk Smith, and Attorney Hargadon.

Guests present were: Bob Glorch (Hamilton Estates Homeowners Association); Betsy Glorch (Hamilton Estates Homeowners Association); Virginia Choromanski (Hamilton Estates); Guy Trayling (Lake Zurich Fire & Rescue); Stan Czerwinski (20945 Swansway); Barbara Czerwinski (20945 Swansway); Mary Lahr (201 Rue Touraine); Garrett Vojack (Rue Vallee); Tim Beechick (Hamilton Partners).

2. AGENDA CHANGES AND ANNOUNCEMENTS

None.

3. CONSENT AGENDA

- A. Minutes from the Regular Board of Trustees Meeting held 6/16/03.
- B. Minutes from the Plan Commission Meeting held 6/23/03.
- C. From the Engineer:
 - i) Ela Township Invoice
 - ii) Bartnick Construction Pay Request—Meadow Drainage
 - iii) S. Schroeder—Final Pay Request
 - iv) Rocks-Ann—Final Pay Request
 - v) Martam Construction—2nd Pay Request
 - vi) Palatine Memorandum of Understanding for GIS Data Sharing

Board requested Minutes of the 6/16/03 Board Meeting be amended to include statement regarding requirement of phone vote for emergency expenditures over \$500 in discussion under Trustee Kizior's report.

MOTION: by Dowell second by Ekstrom to accept the Consent Agenda with amendment to the Board Minutes as specified. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

4. RESIDENT CZABAJ RE: COMCAST SERVICE

Resident Czabaj not present to discuss. Trustee Werch requested Administrator Diesen- Dahl obtain and forward to him specific information resident wished to discuss for resolution with Comcast.

5. RESIDENT GLORCH RE: HAMILTON ESTATES SUBDIVISION

Virginia Choromanski, representing Hamilton Estates Homeowners Association, was present to discuss Village participation in costs incurred by the Homeowners Association on Hamilton Park.

Mrs. Choromanski noted that the Homeowners Association is a voluntary association which cannot require participation of homeowners. Homeowners Association was begun in 1986; Initially, the Association was very active; over time, participation in the Association has decreased. With recent changes in the neighborhood, the Association has once again renewed interest and desire to improve the area in Hamilton Estates. Mrs. Choromanski noted the Village cuts the grass in the park and has added trees and shrubs, but has done no other improvements. At their June 17th meeting the Homeowners Association voted to allocate funds to clean up the park and address initial landscaping needs. Association received 3 bids ranging from \$2500 – \$2800. Association contracted with the low bidder--Koch & Sons. Work was

Village of Deer Park
Regular Board Meeting Minutes
July 21st, 2003

p. 2 of 8

begun on Friday, July 18th and completed today, July 21st. Since Hamilton Park is used by the public, the Homeowners Association is requesting Village assistance for park enhancements. Homeowners Association does not desire park equipment; would like to have annual clean up. Mrs. Choromanski indicated the Park sign and benches need attention, and residents would like to have a trash container added to the park. Mrs. Choromanski further noted the Association has not previously come to the Board to ask for money. Requesting reimbursement for funds spent, allowance yearly for maintenance, park sign painted or stained, benches refurbished, and trash receptacle placed in the park.

Trustee Kizior, Parks Commissioner, gave Mrs. Choromanski his business card, and indicated the Village has contributed 50% historically, though just approved gave 2/3 of cost of improvements to Chapel Hill. Trustee Kizior will review condition of benches and park sign, and will arrange for placement of trash container; will work on annual basis for improvements.

Additional issues raised by the Board were the condition of the grass in the park, and drainage issues (park floods).

In the future, Board requested Homeowners Association present monetary requests prior to contracting or spending, as this expenditure is not a future guarantee of Village participation.

MOTION: by Kizior second by Ekstrom to pay 2/3 of the cost of the Hamilton Park improvements completed in July for a total cost not to exceed \$2500 x 2/3 (\$1650). Copies of the invoice and quotes to be furnished to the Village prior to payment. Upon roll call:

YES: (4) Dowell, Kizior, Ekstrom, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

Bob Glorch, representing the Roads Committee of the Hamilton Estates Homeowners Association, expressed concern regarding the Inglenook entrance. Mr. Glorch noted the Homeowners Association would like to have the Dead End signs removed. Signs were originally placed to discourage cut through traffic. Signs could be replaced with smaller 'No Thru Traffic' signs. Board agreed. Mrs. Choromanski noted proliferation of signs in the Subdivision; requested procedure regarding sign placement. Board indicated discussions generally occur due to input from Homeowners Associations to determine needs/desires. Residents present noted the petition circulated in Hamilton Estates did not reach all homeowners.

Mr. Glorch asked Board to address gravel at entrance. Board declined; responsibility of Homeowners Association.

MOTION: by Dowell second by Werch, upon the recommendation of the Homeowners Association, to remove the two Dead End signs in Hamilton Estates and replace with two No Thru Traffic signs. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

6. RESIDENT CZERWINSKI RE: POND IN SWANSWAY PONDS

Resident Stan Czerwinski, resident of Swansway Ponds, outlined issues submitted in a letter to the Village dated July 1. Mr. Czerwinski indicated he and his wife purchased their lot approximately 8 – 9 years ago and developed their dream home. Approximately 6 years ago the Homeowners Association installed aerators in the pond near their home in an attempt to alleviate algae buildup. Mr. Czerwinski noted there is no scientific proof that aerators reduce algae buildup, and that the installation of the aerators was approved at a Homeowners Association meeting which he was unable to attend due to travel outside the U.S.

Mr. Czerwinski reported the aerators splash water 8 – 10 feet in the air, and are very noisy. Mr. and Mrs. Czerwinski believe they have tried to work with the Homeowners Association regarding

limiting hours, etc.; however, the dispute has escalated, and the police are now involved. While the main issue involves the continuing noise level generated by the aerator, there is additionally a dispute over the ownership of the pond and physical provisions for electrical service to the aerator.

Mr. and Mrs. Czerwinski requested the Village extend the nuisance ordinance to cover this situation, as it is a disturbance of residents by others.

Board members declined to become involved and disagreed that the nuisance ordinance should be construed to cover this type of a disturbance. Attorney Hargadon noted the nuisance ordinance prohibits noises which raise to the level of a nuisance for the community, such as go-karts with open mufflers, animals barking continuously. Attorney Hargadon concurred with the Board consensus that this issue does not rise to that level.

Mr. Czerwinski indicated issue has raised to level of feuding; cited vandalism to property in the last year.

President Karl requested desire for motion for action; Board deferred to take action. Trustee Werch spoke for the Board, stating that this issue is a civil matter between the resident and the Homeowners Association; the nuisance ordinance does not apply in this situation.

Mr. Czerwinski requested Board intervene to mediate with the Homeowners Association. Trustee Kizior volunteered to work on a personal basis with the Homeowners Association to achieve a mutually satisfactory solution.

7. DEER PARK OFFICE CENTER PROPOSED SITE PLAN CHANGE

Hamilton Partners has requested site plan changes as outlined in the letter dated July 17, 2003. Attorney Hargadon informed the Board that the requested changes have been deemed as major amendments to the site plan by President Karl; as a result, changes would require a formal amendment to the applicable Planned Development Ordinance. Therefore, the process is for the petitioner to appear before the Board for an initial consultation for possible reference to the Plan Commission for further evaluation of proposed changes.

Tim Beechick, representing Hamilton Partners, presented proposed revisions to the site plan. Location is at the northeast corner of Lake Cook Road and a private drive. Current approved site plan has one I-shaped building pad for hotel/office. Mr. Beechick noted the original site plan submitted was a master concept plan which allowed major items to be addressed, with specific changes to be made as developed. Proposed site plan is refined to reflect interest received from developers. Have relocated and detached office building from hotel site with intention to make room for a corner lot which would allow a freestanding bank facility. Total square footage of 3 buildings matches original space approved; redistributing among three buildings.

Teska has submitted a detailed review which does not raise any major red flags; issues raised are applicable for Plan Commission review process. President Karl recommends sending proposed changes to the Plan Commission for further review. Trustee Dowell noted parking spaces stay the same; requested clarification of drive thru and exit and entrance for the bank. Mr. Beechick noted Teska raised concerns regarding turns required for drive through; need to address the issue of tight turnaround. Cut for private drive is part of improvements to Lake Cook Road taking place now.

MOTION: by Werch second by Dowell to submit proposed revisions to the site plan for the Deer Park Office Center Development to the Plan Commission. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

8. **UNITED LAND DEVELOPMENT VARIANCE REQUEST**

President Karl reported United Land Development has chosen not to pursue this request for variance. Trustee Werch summarized issue; at the time of the request, petitioner had not discussed with the Fire District. No townhouse development has been approved in the Fire District without the type of fire suppression system required by the Village.

Guy Trayling, Assistant Fire Marshal, noted it is not prudent to ask for more fire stations, equipment, and personnel; instead, need to incorporate best fire protection in buildings. The five communities LZFPD serves, as well as surrounding communities, all support and have adopted the same standards. Seems like an economic hardship; however, experience has shown that this requirement does not curb development. Mr. Trayling noted cost is approximately \$12,000 per unit in the Lake Breeze Villa project (similar to United Land Development proposal). Lake Breeze Villas was supposed to be a three year development; sold out in one year. Cited other examples of products incorporating these fire suppression features that are selling well, noting that the developer has been able to cite the fire suppression systems as a market feature of the development. Mr. Trayling expressed appreciation to the Board for standing fast on the issue and helping the Fire District to prevent fires.

9. **ENGINEERS REPORT**

A. **Tennis Court Reconstruction Bid Results.**

Engineer Gordon reported received 2 bids; bids and engineers estimate were outlined in the memo from Engineer Gordon dated July 18, 2003. Low bid was \$47,800 (\$2,000 under the engineers estimate).

Trustee Kizior indicated he had hoped packaging multiple courts would achieve cost savings; however, this did not happen. If reconstruction of courts is spaced out, can also space out maintenance. Recommends Board approve reconstruction of one court this year.

Board discussed the possibility of lower bid if hold off bidding for fall for winter/spring construction. Engineer Gordon indicated more bidders if wait until winter bidding (thus the possibility of a lower bid being achieved). If bid now, would get September and October for use; if wait until spring, May would be earliest start.

Trustee Dowell asked for solutions to winterize; Engineer Gordon noted one alternative which adds 3 – 4 inch stone with no crack repair, then 2 – 3 inches asphalt. Not recommended solution. "Sport Court" surfaces not recommended for this application. Trustee Dowell noted budget contained slightly lower estimate of cost; need to keep in mind.

MOTION: by Kizior second by Dowell to accept the base bid from D.L. Franzen Construction Company for Charlie Brown tennis court reconstruction for an amount not to exceed \$47,800. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

B. **Swansway Drainage Bid Results**

Memo from Engineer Gordon dated July 18, 2003 summarizes bids received. Low bid was \$405,145; this amount is over the Engineers estimate of \$324,000. Budgeted amount was \$350,000. There is an additional \$75,000 budgeted for wetland mitigation; actual cost was \$60,000. Met with Martam to review bid; some possibilities to "value engineer" by waiting until winter months when ground is easier due to freezing, or have local site for cut material (shipping was large factor in cost)—could possibly use area near playfields where will need extra material for fill in the future. Need to verify ability to handle; could possibly save \$50,000 – \$70,000.

Village of Deer Park
Regular Board Meeting Minutes
July 21st, 2003

p. 5 of 8

Would need to approve as is, amend budget, then attempt to value engineer. President Karl noted that this project has been difficult and has been around for several years; recommends approve to move forward this fall.

MOTION: by Dowell second by Kizior to revise the budget to include storm sewer drainage improvements allotment up to \$406,000 for this project. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

MOTION: by Ekstrom second by Kizior to approve the bid for \$405,145 for Swansway Drainage Improvement Project. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

C. Moran Easement—Swansway Drainage Improvement.

Gewalt Hamilton has been working with Steve and Cindy Moran over the last 1 – 2 years; looking for Village approval of easement agreement which gives Village right to enter property subject to restoration requirements.

Board has not received copy of agreement. In the future, President Karl would like to have Board copied on all agreements prior to discussion; to expedite this project, President recommends execution tonight.

Attorney Hargadon summarized the easement agreement: homeowners grant easement to complete work on the property, in exchange for restoration obligations, such as tree replacement, repairs of low spots on property with fill, topsoiling of property, homeowners landscaper to seed. 7 trees being replaced; cost is included in bids, and capped at bid cost. Homeowners can consult on species, up to bid cost.

MOTION: by Ekstrom second by Kizior to accept the Moran easement agreement for the Swansway Drainage Improvements. Upon voice vote:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

D. Letter of Credit—USACOE—Swansway Drainage Improvement.

MOTION: by Kizior second by Ekstrom to accept the performance bond in the amount of \$35,000 for the Swansway Drainage Improvement Project per the memo from Engineer Gordon dated June 25, 2003. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried /0

E. Plum Grove Road—Special Waste Survey Proposal

Potential easement acquisition; State requires waste survey to be completed. Bid received by Weston Solutions. May be able to eliminate need for easement; request approval to expedite in case easement is needed.

MOTION: by Kizior second by Ekstrom to accept the request to conduct a Phase 1 environmental site assessment for the amount of \$3,800 from Weston Solutions as part of the Plum Grove Road improvement project. Upon roll call :

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

10. **REPORTS**

A. Trustee Ekstrom—Roads & Public Utilities

Referencing memo dated July 16, 2003 (Miscellaneous Maintenance Items), Trustee Ekstrom requested input regarding residents discharging of sump pumps to the road. Four residents, one of which is Trustee Plautz, have sump pumps discharging onto the road, causing ice jamming in the winter. Trustee Plautz has requested a sewer be installed; Trustee Ekstrom believes sump drains should be relocated.

Board discussed alternatives and history of drainage pattern in the area. President Karl noted that fundamental question regarding Village approach to the problem is whether or not these were approved with the current drainage pattern. Per Building and Zoning Inspector Holmes, violates Village ordinance; permits may not show approved drainage. Board requested Trustee Ekstrom have Building and Zoning Inspector Holmes further evaluate and pursue with homeowners if does not meet Village ordinances. Board consensus movement of drains is not Village responsibility, but the responsibility of homeowners. Consistency is desire; Park Hill drainage changes were made as part of groundwater drainage work in the area.

Trustee Ekstrom approaching list of projects on a priority process with cost constraints affecting which projects can be completed.

B. Administrator Diesen-Dahl

i) Trees

Requested clarification of tree replacement policy regarding Village trees in Village right of way on cul-de-sacs. Need to review if appropriate on a case by case basis. Refer to Parks and Roads Commissioners on a case by case basis for appropriate action. Number and condition of trees remaining would be factors to consider in decision to replace. Board provided suggestions for companies to contact for tree replacement.

ii) Summer Help—Weed Removal

Administrator Diesen-Dahl questioned if is Board interested in having summer help with removal of buckthorn, poison ivy, etc. Vehe Farm Foundation is interested, but not willing to pay. Board believes Vehe Farm Foundation should cover if needed as a grounds maintenance issue. Administrator Diesen-Dahl noted proliferation of poison ivy along the pathway. Board would support Foundation using money for that purpose.

iii) Update on Farm improvements

New water heater to be installed for office, scaffolding is up around the barn.

iv) VSI challenges with signs and work orders

Picked up signs approximately 6 weeks ago for Rue Touraine; VSI called Saturday to say signs were up. Homeowner Carrie Groeller has helped to monitor; signs not up. Under contract for mowing; can use Ela for other jobs in the future. Board directed Administrator Diesen-Dahl not to release check for payment of services tomorrow unless signs are installed or returned.

C. Trustee Kizior—Parks & Recreation

iv) Parks Update

Thanked Engineer Gordon for work on bids. Gewalt Hamilton has worked on final grading for playfields and electrical box completion. Trustee Kizior has trained Lake Zurich representatives on scoreboard use; used last week for the first time in a game between Barrington and Lake Zurich. Will train Barrington representatives first week in August. Mike Sayer, volunteer from the Lake Zurich Association has agreed to take charge of equipment.

iii) Parks Appropriation--Tree Trimming

Two quotes received for work on tree trimming. Trustee Kizior recommends Board approve trimming; would like to contract with The Care of Trees in light of pro bono work done and low bid. Gitchels asked to be removed from bidding due to storms.

Village of Deer Park
Regular Board Meeting Minutes
July 21st, 2003

p. 7 of 8

MOTION: by Kizior second by Dowell to accept the bid from The Care of Trees to do tree pruning and removal of branches per the quote dated 6/13/02 in an amount of \$7,280. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

iv) Parks Prioritization--Update

Trustee Kizior distributed updated list of items for the Parks Priority List. Board asked to review list and notify Trustee Kizior of any items missing. Will pursue list based on budget and complexity of issue.

v) BACOG Legislative Committee Update

a) Report distributed with summary for Board information.

b) Q4—Legislative Event. Elected and volunteer officials from communities gathering to meet legislators to work through issues of interest to BACOG.

vi) Distributed parks mowing schedule.

D. Attorney Hargadon

i. Decision of Cook County Zoning Board of Appeals regarding Shepherd matter.

Board ruled in favor of petitioner. Matter goes before Cook County Board in Late August. No opportunity for discussion will be provided; could send letter to Board members. Due to objection to rezoning by the Village, petitioner must carry 75% of Board members to pass. If passed, can attempt to overturn on merits of case. Attorney Hargadon to craft letter for President Karl's signature. No key member on Cook County Board to contact for representation on Board.

ii. Water allocation—United Land Development

Amounts previously approved in preliminary design phases.

MOTION: by Werch second by Dowell to approve the water allocation to the proposed townhome site: 8400 gallons out of Village allotment for the townhomes and 831 gallons for the irrigation system. Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz

Motion Carried 4/0

E. Trustee Werch—Public Safety

i) Approaching time when Comcast will be providing digital service to the Village. Request Administrator Diesen-Dahl contact Trustee Werch when available; have agreed to provide service to Village hall for free.

F. President Karl

i) LZACC Mayors breakfast

President Karl spoke regarding development and traffic issues faced by the Village. Well attended by business and community leaders; approximately 100 people in attendance.

ii) Land parcel behind MSS and Isaac Fox

Parcel is subject to annexation agreement (boundary agreement) which locates the parcel in Deer Park. Lake Zurich mistakenly allowed petitioner to come before their Village with a petition for 15 homes on the 10-acre site. Attorney Hargadon has sent a letter requesting Lake Zurich adhere to the Boundary agreement. Petitioner amenable to develop in Deer Park; requesting less than one acre zoning. Currently zoned one acre in the County; parcel surrounds other Deer Park parcels. Developer argument is that wetlands restrict building, and will not allow 10 homes on 10 acres. Board consensus to remain with one acre zoning.

iii) Evaluation of violations of prohibited vehicles on driveways

President Karl requested Building and Zoning Inspector Holmes survey zoning violations in the Village for enforcement.

Village of Deer Park
Regular Board Meeting Minutes
July 21st, 2003

p. 8 of 8

G. Trustee Dowell—Finance

i) Management Authorization Letter

As part of audit, auditors require a management representation letter.

MOTION: by Dowell second by Ekstrom to authorize President Karl to sign a Management Representation Letter from the Village of Deer Park to Sikich Gardner, auditors. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (2) Gifford, Plautz Motion Carried 4/0

ii) Statement of Accounting Standards #61

Required of auditing committee, needs Treasurer and President's signature.

MOTION: by Dowell second by Ekstrom to authorize President and Treasurer to sign the Statement of Accounting Standards #61. Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (2) Gifford, Plautz Motion Carried 4/0

11. TREASURERS INFORMATION

MOTION: by Dowell second by Ekstrom to approve the Treasurers Information dated 6/30/2003.

Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (2) Gifford, Plautz Motion Carried 4/0

12. CASH DISBURSEMENTS

MOTION: by Dowell second by Kizior to approve the Cash Disbursements for the period 6/17/03 through 7/21/03 in the amount of \$472,069.34 .

Upon roll call:

YES: (4) Dowell, Ekstrom, Kizior, Werch

NO: (0)

ABSENT: (2) Gifford, Plautz Motion Carried 4/0

13. PUBLIC COMMENTS

Resident Mary Lahr asked if the water allotment approved for the townhouses includes sprinklers for fire suppression. Attorney Hargadon indicated fire suppression is included. Mrs. Lahr questioned if quantity allotted was enough given that some systems hold several hundred gallons. Amount comes out of the 8400 gallons allotted. Board and engineers feel appropriate given consideration as emergency water use, not regular user of water.

14. ADJOURNMENT

MOTION: by Dowell second by Kizior to adjourn the Regular Meeting of the Board of Trustees.

Upon voice vote:

YES: (4)

NO: (0)

ABSENT: (2) Gifford, Plautz Motion Carried 4/0

The Regular Meeting of the Board of Trustees was adjourned at 9:53 p.m.

Richard C. Karl, President

Sandra R. Smith, Village Clerk